

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NITHYA VINAYAGAM,

Plaintiff,

v.

US DEPARTMENT OF LABOR,
ADMINISTRATIVE REVIEW BOARD,
et. al.,

Defendants.

Case No. 2:18-cv-01206-RFB-DJA

ORDER

Before the Court for consideration is Plaintiff's Motion for Reconsideration. ECF No. 19.

The Court has discretion to grant or deny a motion for reconsideration. Navajo Nation v. Norris, 331 F.3d 1041, 1046 (9th Cir. 2003). Motions for reconsideration are disfavored, and a movant may not repeat arguments already presented. D. Nev. Civ. R. 59-1(b). Conversely, "A motion for reconsideration may not be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation." Marlyn Nutraceuticals, Inc v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (internal quotations and citations omitted).

In its Order at ECF No. 18, this Court granted Plaintiff partial relief from judgment in order to determine whether an amended complaint could cure the deficiencies in her earlier pleadings. See ECF Nos. 7, 12, 15. The Court invited Plaintiff to submit an order for reconsideration to allow the Court an opportunity to consider the merits of Plaintiff's claims.

The amended complaint is in clear violation of Fed. R. Civ. P. 8, 10, 18, and 20. The amended complaint appears to have stated at least some claims which the Court may recognize,

1 but the Court is not able to discern what exactly Plaintiff claims and against which Defendants
2 claims are brought. Pursuant to Fed. R. Civ. P. 8(a) provides that a complaint “that states a claim
3 for relief” must contain “a short and plain statement of the claim showing that the [plaintiff] is
4 entitled to relief.” Plaintiff is also cautioned that, pursuant to Fed. R. Civ. P. 20(a)(2), Defendants
5 may only be permissively joined in one action if: “(A) any right to relief is asserted against them
6 jointly, severally, or in the alternative with respect to or arising out of the same transaction,
7 occurrence, or series of transactions or occurrences; and (B) any question of law or fact common
8 to all defendants will arise in the action.”
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10 **IT IS THEREFORE ORDERED** that [19] Motion for Reconsideration is GRANTED in
11 part. Plaintiff is hereby granted leave for one final opportunity to file a complaint that is compliant
12 with the Federal Rules of Civil Procedure. For the reasons stated above, **IT IS FURTHER**
13 **ORDERED** that [20] Amended Complaint is DISMISSED.
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15 **IT IS FURTHER ORDERED** that Plaintiff shall until **April 29, 2022** to file a motion to
16 amend her complaint and attach a complaint consistent with this Order.
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18 **DATE:** March 31, 2022.
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21 **RICHARD F. BOULWARE, II**
22 **UNITED STATES DISTRICT JUDGE**
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